

Snavely, Keith

From: Walch, John
Sent: Monday, September 12, 2016 3:26 PM
To: Snavely, Keith
Subject: FW: MNC Holdings Property

John W. Walch
Eastern Unit Regional Supervisor
Division of Waste Management
North Carolina Department of Environmental Quality

(919) 707-8356 office
john.walch@ncdenr.gov

217 West Jones Street
1646 Mail Service Center
Raleigh, NC 27699-1646



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From: Hutson, Benne C. [mailto:BHutson@mcguirewoods.com]
Sent: Friday, August 12, 2016 9:19 AM
To: Jesneck, Charlotte <charlotte.jesneck@ncdenr.gov>
Cc: Walch, John <john.walch@ncdenr.gov>
Subject: MNC Holdings Property

Charlotte:

I am responding to your July 15, 2016 E-mail regarding this matter.

I have checked into this further. It turns out that not only has the property been abandoned but also the MNC Holdings as a limited liability company has been abandoned as well. The manager of the LLC has resigned and the ownership of any and all interests in the LLC have been abandoned. In short, the LLC is not conducting any business anywhere and is not capable of conducting any business or for that matter doing anything anywhere. This includes determining whether land use restrictions are still on file, periodic inspections of property by consultants or anyone else and signing statements of any kind, including but not limited to signing statements that land use restrictions are still recorded and property is not being used in violation of any such restrictions.

In light of this, there is no more information to provide to you and I will not be able to respond to any further questions or comments you have regarding this matter.

Benne

Benne C. Hutson

Partner

McGuireWoods LLP

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Snavely, Keith

From: Walch, John
Sent: Monday, July 18, 2016 8:31 AM
To: Snavely, Keith
Subject: FW: MNC Holdings Property

FYI

John W. Walch
Eastern Unit Regional Supervisor
Division of Waste Management
North Carolina Department of Environmental Quality

(919) 707-8356 office
john.walch@ncdenr.gov

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From: Jesneck, Charlotte
Sent: Friday, July 15, 2016 3:36 PM
To: 'BHutson@mcguirewoods.com' <BHutson@mcguirewoods.com>
Cc: Walch, John <john.walch@ncdenr.gov>
Subject: MNC Holdings Property

Thanks for the discussion on this matter today by phone. So the owner (last employee of or individual owner of MNC) should sign a statement that the land use restrictions are still recorded in the Union County Register of Deeds Office and that he (or MNC Holdings) is not using the property in a manner that violates the recorded land use restrictions. If there were no more operations at the property, this could probably be done without going to the site on a regular basis. Periodic inspections are needed (if the frequency is specified in the land use restrictions, that would need to be the schedule) because unoccupied properties can have trespassers take fences and alter conditions. John just mentioned to me staff visited the area not too long ago and noticed that the building had been removed. The land use restrictions involved maintaining caps to prevent soil exposure. If the removal of the building disturbed the caps, then there may be a violation of the land use restrictions. The owner did have a consultant involved at one time. He should have them go out and look over the site before he signs the certification. Apparently there is a lock on the fence at the site. If the caps are fine, then he can send in the certification. Thanks. Call me with any questions.

Charlotte Jesneck, LG

Branch Head
Inactive Hazardous Sites Branch
NC Department of Environmental Quality

919-707-8327 office
charlotte.jesneck@ncdenr.gov

Office Location: 217 W Jones Street, Raleigh, NC
Mail: 1646 Mail Service Center
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Tel 704.343.2000
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Benne C. Hutson
Direct: 704.343.2060

McGUIREWOODS

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MAY 5 2016

Superfund Section

bhutson@mcguirewoods.com
Fax: 704.343.2300

May 2, 2016

VIA ELECTRONIC AND REGULAR MAIL

Keith Snavelly
Hydrogeologist
North Carolina Department of Environmental Quality
Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Re: MNC Holdings, LLC

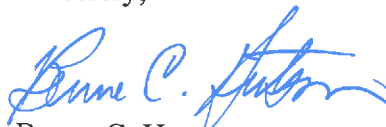
Dear Mr. Snavelly:

I am writing in response to your letter dated March 30, 2016.

MNC Holdings, LLC is still the owner of record of the property. However, MNC is not conducting operations at the property and has not done so for a number of years. Indeed, it is not and has not been taking any actions of any kind at or related to the property since ceasing to be business in North Carolina. The certifications provided in 2014 and 2015 are of no effect since MNC was not authorized to transact business in North Carolina as of the date of those certifications.

Again, for the reasons stated in my March 14, 2016 letter, since MNC Holdings, LLC is not authorized to transact business in North Carolina, it cannot execute and submit the annual certification letter you have requested.

Sincerely,



Benne C. Hutson

cc: Joe Mayernik



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL E. SCOTT
Acting Director

March 30, 2016

Benne Hutson
McGuireWoods LLP
Fifth Third Center
201 North Tryon Street, Suite 3000
Charlotte, NC 28202

Re: MNC Holdings, LLC property identification 215-061-09

Dear Mr. Hutson:

Thank you for your letter of March 14, 2016. We understand, based on this information, that MNC Holdings LLC is no longer conducting business in North Carolina.

On March 5, 2012, MNC Holdings, LLC recorded a Declaration of Perpetual Land Use Restrictions (Declaration) in the Mecklenburg County Register of Deeds in Deed Book 27160, Pages 126-132 for the above reference property as part of an Inactive Hazardous Substance or Waste Disposal Site. As part of the requirements of the perpetual land use restrictions in this Declaration, the owner of the parcel shall submit a letter report containing the notarized signature of the owner in January of each year on or before January 31st to DEQ confirming that this Declaration is still recorded in the Office of the Mecklenburg County Register of deeds and that activities and conditions at this site remain in compliance with the land use restrictions.

If MNC Holdings LLC is still the owner of the referenced parcel, they would need to supply certification. Please let us know if MNC Holdings, LLC no longer owns the property. MNC Holdings, LLC did provide the certification in 2014 and 2015 post-withdrawal of business.

If you have any questions on this matter, please call me at (919) 707-8355.

Sincerely,

Keith Snavely, Hydrogeologist
Inactive Hazardous Sites Branch
Department of Environmental Quality

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March 14, 2016

VIA ELECTRONIC AND CERTIFIED MAIL

Keith Snavelly
Hydrogeologist
North Carolina Department of Environmental Quality
Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Re: MNC Holdings, LLC

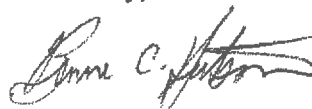
Dear Mr. Snavelly:

Joe Mayernik has forwarded to me your February 18, 2016 electronic mail message requesting that MNC Holdings, LLC the annual certification letter for the property in Matthews, North Carolina with the identification number 215-061-09. I am writing in response to that electronic mail message as we historically represented MNC Holdings, LLC with regard to environmental issues associated with this property.

MNC Holdings, LLC is no longer authorized to transact business in North Carolina. On December 27, 2013, MNC Holdings, LLC filed with the North Carolina Secretary of State an Application for Certificate of Withdrawal of Limited Liability Company pursuant to which it "surrenders its authority to transact business in this State." This application became effective when filed. A file-stamped copy of this application is enclosed.

As MNC Holdings, LLC is not authorized to transact business in North Carolina, it cannot execute and submit the annual certification letter you have requested.

Sincerely,



Benne C. Hutson

Enclosure

cc: Joe Mayernik
76107558_1

State of North Carolina
Department of the Secretary of State

**APPLICATION FOR CERTIFICATE OF WITHDRAWAL
OF LIMITED LIABILITY COMPANY**

Pursuant to §57C-7-11 of the General Statutes of North Carolina, the undersigned limited liability company hereby applies to the Secretary of State for a Certificate of Withdrawal and for that purpose submits the following statement.

1. The name of the foreign limited liability company is: **MNC HOLDINGS, LLC**
2. The limited liability company is organized under the laws of: **DELAWARE**
3. The limited liability company is not transacting business in the State of North Carolina and surrenders its authority to transact business in this State.
4. The limited liability company revokes the authority of its registered agent to accept service of process and consents that service of process in any action or proceeding based upon any cause of action arising in the State of North Carolina, or arising out of business transacted in North Carolina, during the time the limited liability company was authorized to transact business in North Carolina may hereafter be made on such limited liability company by service thereof on the Secretary of State.
5. The mailing address to which the Secretary of State may mail a copy of any process served on him pursuant to the paragraph above is:

C/O: **MNC HOLDINGS, LLC**
Address: **4357 FERGUSON DRIVE, SUITE 100**
City, State, Zip: **CINCINNATI, OH 45245**
6. The limited liability company hereby agrees to notify the Secretary of State of any changes in its mailing address.
7. This application will be effective upon filing, unless a date and/or time is specified: **N/A**

This the 26th day of December, 2013

MNC HOLDINGS, LLC


Joe Maynerik, Manager

Joe Maynerik, Manager

Notes:

1. Filing fee is \$10. This application and one exact or conformed copy of this application must be filed with the Secretary of State.

(Revised Jan 2002)

CORPORATIONS DIVISION

PO Box 29622

RALEIGH, NC 27603-5909

(Form L-14)

Snavely, Keith

From: Snavely, Keith
Sent: Thursday, February 18, 2016 3:42 PM
To: 'vmonroe@swohio.twcbc.com'
Cc: 'William.Oberdorf@leclairryan.com'; 'dave.hunter@atcassociates.com'
Subject: Annual Certification letter for MNC Holdings LLC Property- Property ID -215-061-09, Matthews NC

Ms. Monroe,

Please forward this email to Joe Mayernik, former manager of MNC Holdings. The North Carolina Division of Waste Management, North Carolina Department of Environmental Quality (NC DEQ) is requesting the submittal of the Annual Certification letter for the property ID 215-061-09 in Matthews, North Carolina related to the Declaration of Perpetual Land Use Restrictions (DPLUR) for the Former Academy Steel Drum Site (Site) in Matthews, NC. The DPLUR for the MNC Holdings property is recorded in Deed Book 27160 Page 126-132. The Annual Certification Report for this parcel of property was due to NC DEQ on Jan 31, 2016. Please conduct the necessary inspection of the property, if not already completed, and return a signed, notarized letter confirming that activities and conditions at the former Site remain in compliance with the land use restrictions defined in the DPLUR.

If not already submitted to our Mooresville Regional Office of NC DEQ, please email the certification letter to me at keith.snavely@ncdenr.gov or mail the letter to Keith Snavely, Inactive Hazardous Sites Branch, NC DEQ, 1646 Mail Service Center, Raleigh NC 27699-1646.

If you have any questions, I can be reached at (919) 707-8355.

Thanks,
Keith Snavely

Keith Snavely
Hydrogeologist
Division of Waste Management
North Carolina Department of Environmental Quality

919 707 8355 office
keith.snavely@ncdenr.gov

217 West Jones Street
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 **Nothing Compares** 

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